IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2199 OF 2005

Shri Amar Yuvaraj Dangat ... Petitioner

v/s

Sou Echarajbai N. Khater ... Respondent

Mr V.G. Mujumdar for Petitioner.

None for Respondent.

CORAM : D.K. DESHMUKH J.

DATE : 24TH AUGUST 2005.

P.C. :-

1. This petition challenges two orders, one passed by the Court below declining to grant leave to defend to the petitioner. The Court has declined to grant leave to defend because application for leave to defend was not filed within 10 days as required by Order 37 Sub-rule 3(7) of C.P.C. nor was there any application for condonation of delay. Therefore, no fault can be found with the order of the Trial Court declining to grant leave to defend to the petitioner. The second order which is challenged is the order passed by the Trial Court rejecting the application filed by the petitioner for stay of the suit under section 10 of C.P.C. As the suit filed by the respondent was a summary suit, wherein leave to defend was denied to the petitioner, no fault can be found with the order passed by the Trial Court rejecting the application filed under section 10 of the C.P.C. The petition is devoid of any substance. It is rejected.

. Parties to act on the copy of this order duly authenticated by the Sheristedar / Personal Secretary of this Court as true copy.

. Certified copy expedited.